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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,681

03/11/2005

Mario Scholz

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9162

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EXAMINER

LOEWE, ROBERT S

ART UNIT

PAPER NUMBER

1709

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,681

Applicant(s)

SCHOLZ ET AL.

Examiner

Robert Loewe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/29/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/11/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.84: The drawings (Figures 1 through 5) need to be supplied in English.

Specification

The brief description of the drawings section is lacking in the specification. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being unpatentable over Mangold et al. (US Pat. 6,328,944).

Claim 1: Mangold et al. teaches doped, pyrogenically prepared oxides of metals and/or non-metals which are doped with one or more doping components. Mangold et al. further teaches pyrogenically prepared oxides of metals and/or non-metal can be used as fillers and additives in the silicone and rubber industry (3:26-36). Mangold et al. further teaches potassium salts may be used as dopant (2:57-58) and that the doping salts are introduced by means of aerosol (2:5-45). Thus, Mangold et al. anticipates all of the claim limitations of instant claim 1.

Claim 2: Mangold teaches doping levels of 0.00001 to 20 wt% (1:35) and BET surface area of the doped oxides between 5 and 600 m²/g (1:39-40). See MPEP 2131.03 (anticipation of ranges). Mangold et al. does not specifically teach DBP absorption of the fumed oxide being

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undetectable or being less than 85% of the normal value for that of fumed silica. However, Mangold et al. anticipates all of the claim limitations in instant claim 2 because the fumed silica taught by Mangold et al. is prepared in the same way as the instant application. Thus, it is expected/anticipated that the materials prepared according to Mangold et al. would inherently have the same properties, in this case, DBP absorption, as the instant application.

Claim Rejections - 35 USC § 103

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being obvious over Mangold et al. in view of the article titled "Silicone Rubber" (www.azom.com/details.asp?ArticleID=920; first published on the web on 9/28/02).

Mangold et al. teaches doped, pyrogenically prepared oxides of metals and/or non-metals which are doped with one or more doping components. Mangold et al. further teaches pyrogenically prepared oxides of metals and/or non-metal can be used as fillers and additives in the silicone and rubber industry (3:26-36). Mangold et al. further teaches potassium salts may be used as dopant (2:57-58) and that the doping salts are introduced by means of aerosol (2:5-45). Mangold et al. further teaches pyrogenically prepared oxides can be used as additives in the silicone and rubber industry.

Mangold et al. does not teach LSR or HTV silicone rubbers. However, the article "Silicone Rubber" teaches the three main industrial classifications of silicone rubbers: HTV, RTV, and LSR (page 3). The article also teaches that silicones are often filled with fumed silica (page 4). The references of Mangold et al. and the said article are combinable because they are from the same field of endeavor, namely, silicone rubber. At the time of invention, a person having ordinary skill in the art would have found it obvious to employ LSR or HTV silicone

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rubber in the teaching of Mangold et al. and would have been motivated to do so because LSR and HTV silicone rubber are two main types of silicone rubbers used for industrial applications (as taught by said article).

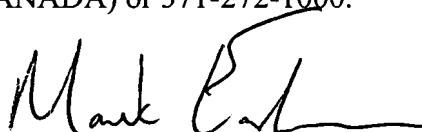
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Loewe whose telephone number is (571) 272-1197. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSL
23-May-2007



MARK EASHOO, PH.D
PRIMARY EXAMINER

31-May-07